

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

PATRICK OF THE FAMILY OF MORGAN,

Plaintiff,

v.

CIVIL ACTION NO. 1:17-01208

LYNN N. HUGHES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, the action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of findings of fact and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Tinsley submitted his Findings and Recommendation ("PF&R") to the court on May 4, 2017, in which he recommended that the court 1) deny plaintiff's "Petition for Equitable Relief" and all other requests for relief made in his subsequent filings; and 2) dismiss this action from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days plus three mailing days in which to file any objections to Magistrate Judge Tinsley's Findings and Recommendations. Rather than filing objections, on May 11, 2017, plaintiff filed a "plea in abatement" to the PF&R. Rather than setting forth specific objections to the findings and conclusions set forth in the PF&R, plaintiff's filing purports to

"abate" the PF&R and gives Magistrate Judge Tinsley twenty-one days to correct the PF&R "to reflect petitioner's name `patrick of the family of morgan' or `Patrick of the family of Morgan' as the petitioner before petitioner can respond to said `FINDINGS'." ECF No. 21. As Magistrate Judge Tinsley noted in his PF&R, plaintiff's filings herein bear the hallmarks of the sovereign citizen movement and he concluded that those "filings lack any justiciable basis under federal law, are patently frivolous, and fail to state any claim upon which relief can be granted by this federal court." ECF No. 20 at p.4. Plaintiff's response to the PF&R only bolsters the magistrate judge's conclusion in this regard. Because plaintiff has failed to direct the court to any specific error in the PF&R, see Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982), to the extent his filing is an objection to the PF&R it is **OVERRULED**.

For the foregoing reasons, the court adopts the Findings and Recommendations of Magistrate Judge Tinsley, **DENIES** plaintiff's "Petition for Equitable Relief" and all other requests for relief made in his subsequent filings; **DISMISSES** this action; and directs this Clerk to remove this matter from the court's docket.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record and to plaintiff, pro se.

IT IS SO ORDERED this 18th day of January, 2018.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", written over a horizontal line.

David A. Faber

Senior United States District Judge